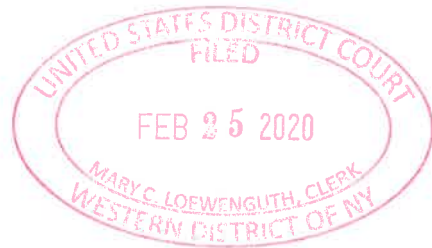


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



DENISE FORNEY,

Plaintiff,

v.

18-CV-616

Decision and Order

GRAND ISLAND CHIROPRACTIC,
P.C., CHIROPRACTIC OFFICE
SOLUTIONS, INC.,

Defendants.

Plaintiff commenced this action on May 30, 2018. Docket Item 1. On July 16, 2018, this Court referred the case to United States Magistrate Judge H. Kenneth Schroeder, Jr. for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 9. On November 30, 2018, Defendants moved for summary judgment, Docket Item 18; on February 19, 2019, Plaintiff responded, Docket Item 23; and on March 17, 2019, Defendants replied, Docket Item 25.

On November 8, 2019, Judge Schroeder issued a Report and Recommendation ("R&R") recommending denial of Defendants' motion for summary judgment. Docket Item 27. The parties did not object to the R&R, and the time to do so now has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's


recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Schroeder's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Schroeder's recommendation to deny Defendants' motion for summary judgment.

For the reasons stated above and in the R&R, Defendants' motion for summary judgment, Docket Item 18, is DENIED without prejudice. The case is referred back to Judge Schroeder for further proceedings consistent with the referral order of July 16, 2018, Docket Item 9.

SO ORDERED.

Dated: February 24, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE